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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,707	02/20/2004	Robert Duensing	10877	5612

7590 12/01/2004

National IP Rights Center, LLC  
Suite 400  
550 Township Line Road  
Blue Bell, PA 19422

EXAMINER

WILSON, LEE D

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,707	<b>Applicant(s)</b> DUENSING, ROBERT	
	<b>Examiner</b> LEE D WILSON	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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***Claim Rejections - 35 USC § 112***

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 3 is indefinite because to define the workpiece does not further limit the apparatus which is what is seek to be protected as patentable subject matter. Furthermore, the claim is not a combination claim between an apparatus and the workpiece or any other particular workpiece.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McClure (4493139).

McClure discloses a system having a first horseshoe shaped member (14) with a tension chain (38), a second bull-plate (note there is no structure to define a bull plate so it can be anything (12)), with a second tension chain (38), and a lever mechanism (52).

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McClure (4722468).

McClure discloses a system having a first horseshoe shaped member (70) with a tension chain (86), a second bull-plate (note there is no structure to define a bull plate so it can be anything (72)), with a second tension chain (86), and a lever mechanism (90).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClure(4493139) in view of Carr (2755761).

b. McClure discloses the claimed invention except for plurality of chains extending from a first horse shaped member.

c. Carr discloses a system having a plurality of chains (fig.1 and element 22) extending from a first horse shaped member which provides an alternative holding system and horse shaped member.

d. It would have been obvious to having ordinary skill in the art at the time the invention was made to have modified the McClure device by replacing the first horse shaped member with a member having a plurality of chains as taught by Carr which provides an alternative holding system and horse shaped member.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClure (4493139) as applied to claim 2 above, and further in view of Harrison (5640748).

e. The modified McClure teaches the claimed invention except for the mention of a workpiece such as pvc.

f. Harrison teaches a system having work pieces such as pvc (field of invention it is mentioned, line 10) which is just another known type of workpiece to worked upon.

g. It would have been obvious to having ordinary skill in the art at the time the invention was made to have modified the McClure device by providing the pvc as a workpiece as taught by Harrison which is just another known type of workpiece to worked upon.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClure (4722468) in view of Carr (2755761).

h. McClure discloses the claimed invention except for plurality of chains extending from a first horse shaped member.

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i. Carr discloses a system having a plurality of chains (fig.1 and element 22) extending from a first horse shaped member which provides an alternative holding system and horse shaped member.

j. It would have been obvious to having ordinary skill in the art at the time the invention was made to have modified the McClure device by replacing the first horse shaped member with a member having a plurality of chains as taught by Carr which provides an alternative holding system and horse shaped member.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClure (4722468) as applied to claim 2 above, and further in view of Harrison (5640748).

k. The modified McClure teaches the claimed invention except for the mention of a workpiece such as pvc.

l. Harrison teaches a system having work pieces such as pvc (field of invention it is mentioned, line 10) which is just another known type of workpiece to worked upon.

It would have been obvious to having ordinary skill in the art at the time the invention was made to have modified the McClure device by providing the pvc as a workpiece as taught by Harrison which is just another known type of workpiece to worked upon.

#### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marshall, Ball et al, and Madden disclose a device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

November 22, 2004

A handwritten signature in black ink, appearing to read 'Lee D. Wilson', written in a cursive style.

**LEE D. WILSON  
PRIMARY EXAMINER**